

Serial No.: 10/766,417
Filed: January 27, 2004

IN THE DRAWINGS:

Please replace the previously filed FIGs. 1, 2, 3, 5 and 5b with the attached drawing sheets showing amended FIGs. 1, 2, 3, 5 and 5b.

REMARKS

Reconsideration of this application and the rejection of claims 1-6 are respectfully requested. Applicant has attempted to address every objection and ground for rejection in the Office Action dated June 21, 2005 and believes the application is now in condition for allowance. The claims have been amended to more clearly describe the present invention. No new matter has been added to the application.

The drawings have been objected to under 37 C.F.R. § 1.83(a). Specifically, the drawings have been objected to because the aperture of claim 6 must be shown in the drawings. Accordingly, Applicant has amended FIGs. 1, 2, 3, 5 and 5b to include the aperture, and submits that no new matter has been added. Applicant submits that support for these amendments can be found on page 5, paragraph 0024 and FIG. 2 of the original disclosure.

Claims 1-6 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, independent claims 1 and 6 recite that each shaft end is non-rotatably attached to corresponding pivoting members by a ball bushing. The Examiner contends that there is no support in the original disclosure for the non-rotatable attachment. Applicant contends that support for this amendment can be found in original FIGs. 3 and 6, which clearly show the shaft end non-rotatably attached to corresponding pivoting members by a pivotable ball bushing 20, rather than a rotating type bearing shown near reference number 62052AS in FIG. 6 as filed. Accordingly, Applicant submits that claims 1 and 6 are in compliance with the written description requirement.

In addition, the Examiner contends that there is no support in the original disclosure for the claim 6 limitation that the guide rollers are “each adjustably positioned in a corresponding aperture...” Applicant submits that support for this claim feature can be found on page 5, paragraph 0024 and FIG. 2 of the original disclosure, which discloses that the guide rollers are adjustably installed in the aperture provided in the tracking control bar. Accordingly, Applicant submits that claim 6 is supported by the written description.

Claims 1-6 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner contends that the limitation that each shaft end is “non-rotatably attached to corresponding pivoting members by a ball bushing” is indefinite because it is not understood how the shaft can be non-rotatably attached to the pivoting members while still allowing the tracking rollers to rotate. Responding to the Examiner’s question on how the rollers can rotate if the shaft does not rotate, the answer is because the rollers rotated relative to the shaft. The enclosed excerpts from a 1984 Rexnord catalog show that it is common in such concepts to have fixed shafts and rollers rolling relative to the shaft. Further, Applicant submits that it is also well known in the art that a ball bushing causes the shaft ends to act in a swiveling, non-rotatable motion, and that any rotation indicates that the ball bushing is not operating correctly. Applicant respectfully disagrees that any bushing connection has inherent pivotal rotation. Accordingly, Applicant submits that the above-identified limitation in claims 1 and 6 is clearly defined.

The Examiner further contends that the term “castellated” in claim 5 is indefinite because the specification does not clearly redefine the term. Applicant submits

that originally filed FIGs. 2 and 3 clearly show that the term castellated refers to the spaced rollers of relatively larger diameter compared to the other rollers, similar to ancient battlements, as the definition of castellated states. Accordingly, Applicant submits that the language in claim 5 clearly defines the term “castellated,” and is supported by originally filed FIGs. 2 and 3.

The Examiner also states that the claim 6 limitation that the guide rollers are “adjustably positioned in a corresponding aperture provided at both edges of the conveyor belt” is indefinite because nothing in the claim states what the apertures are formed in. Applicant submits that the claim states that the apertures are located in the control bar, however, to further clarify, Applicant has amended claim 6 to recite, among other things, “guide rollers, each adjustably positioned in a corresponding aperture located on ends of the guide control bar.” Accordingly, Applicant contends that as amended, claim 6 is not indefinite.

Claims 1-2 and 5-6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sollenberger et al. (U.S. Pat. No. 2,132,053). Sollenberger discloses a self-training idler wherein one end of the fixed shaft 29 is engaged with the rolling member 11 by a ball bearing 28, and the other end of the shaft is fixed to pivoting member 14 or 15 by a bolt 31. (FIG. 4).

In contrast, amended claims 1 and 6 recite, among other things, an alignment system, wherein “each said shaft end pivotally and non-rotatably attached to corresponding pivoting members by a ball bushing mounted in a corresponding one of each of said pivoting members.” Applicant submits that support for this amendment can be found in original FIGs. 3 and 6, which show the ball bushing mounted in the pivoting

member. Applicant contends that Sollenberger fails to disclose all of the features recited in amended claim 1. Applicant further submits that Sollenberger fails to disclose castellated tracking rollers, as recited in claim 5 of the present application. Accordingly, Applicant submits that as amended, claims 1 and 6 recite features not disclosed in Sollenberger, and contends that claims 1-2 and 5-6 are not rejected under 35 U.S.C. § 102(b).

The Examiner also states that because the claims are directed to an alignment system per se and not to the combination of an alignment system and a conveyor frame, the relationship between the frame, the control bar and the torque arms is given no patentable weight. Applicant submits that the Federal Circuit decision of In re Stencel, 4 USPQ 2d 1071, 1073 (Fed. Cir. 1987), clearly permits the language in claim 1, which defines the conveyor frame as limiting the structure of the alignment system. Based on the holding in In re Stencel, Applicant is not barred from describing the alignment system in terms of the structure imposed upon it by the conveyor frame and the torque arms. Accordingly, Applicant submits that the relationship between the frame, control bar and torque arms should be given patentable weight, and therefore patentability should be measured against alignment systems suitable for use in combination with the conveyor frame, for the claims themselves are so limited. Further, Sollenberger fails to disclose this structure.

Claims 1-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sollenberger et al. in view of Hovsto et al. (U.S. Pat. No. 6,131,726) or Evans et al. (U.S. Pat. No. 3,066,547). The arguments stated above traversing Sollenberger are reasserted here. Hovsto and Evans both disclose conveyor belt alignment systems for

correcting misalignment of conveyor belts that can travel on the working flight or the return flight of a conveyor.

In contrast, amended claim 1 now recites, among other things, an alignment system wherein "each said shaft end pivotally and non-rotatably attached to corresponding pivoting members by a ball bushing mounted in a corresponding one of each of said pivoting members." Applicant submits that none of Sollenberger, Hovsto or Evans, either alone or in combination, disclose or suggest all of the features recited in amended claim 1, from which claims 2-4 directly or indirectly depend. Applicant submits that there is no incentive or suggestion to modify Sollenberger as suggested by the Examiner.

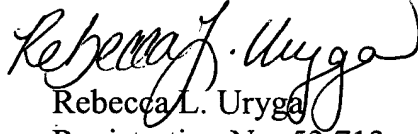
Specifically, with respect to claim 3, there is no language or indication in Sollenberger to use a belt guiding arrangement that can be used interchangeably on the working flight or the return flight. Similarly, as to claim 4, there is no language or suggestion in Sollenberger to modify the alignment system to be a retrofit for an existing conveyor. Finally with respect to claims 1 and 6, the Examiner contends that if the system of Sollenberger were mounted on a conveyor with a narrower centrally located frame, the ends of the guide bar and the torque arms would be laterally outside of the conveyor frame. Applicant contends that there is no incentive or suggestion in Sollenberger to modify the arrangement as proposed by the Examiner. Furthermore, Applicant contends that if a narrower conveyor frame were to be used, the system in Sollenberger would have to be modified so that the guide and tracking rollers can accurately align the belt, thereby creating modifications beyond that anticipated.

In addition, the Examiner has failed to point to a specific location in any of the references that would suggest or imply modifying Sollenberger as proposed by the Examiner. Accordingly, Applicant respectfully traverses the § 103(a) rejection of claims 1-4.

In view of the above amendments, the application is respectfully submitted to be in allowable form. Allowance of the rejected claims is respectfully requested. Should the Examiner discover there are remaining issues which may be resolved by a telephone interview, he is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By 
Rebecca L. Uryga
Registration No. 53,713

Customer No. 24978
September 21, 2005
Suite 2500
300 S. Wacker Drive
Chicago, Illinois 60606-6501
Telephone: (312) 360-0080
Facsimile: (312) 360-9315